

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

POLLY STRATTON
ADC #750283

PLAINTIFF

V.

NO: 1:07CV00053 JMM/HDY

JOHN MAPLES, JR. *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge James M. Moody. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.

3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite 402
Little Rock, AR 72201-3325

DISPOSITION

Plaintiff, an inmate at the McPherson Unit of the Arkansas Department of Correction (“ADC”), filed a *pro se* complaint (docket entry #2), pursuant to 42 U.S.C. § 1983, on November 14, 2007, alleging numerous constitutional violations. On June 17, 2008, Plaintiff filed a motion to dismiss, seeking to put her case “on hold” until she is released from prison (docket entry #221). Essentially, Plaintiff is seeking a voluntary dismissal of her claims, without prejudice. Accordingly, Plaintiff’s motion should be granted, and her complaint should be dismissed without prejudice. Subject to any applicable statutes of limitations, Plaintiff may re-file her complaint in the future.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff’s motion to voluntarily dismiss her complaint (docket entry #221) be GRANTED, and Plaintiff’s complaint be DISMISSED WITHOUT PREJUDICE.
2. All pending motions be DENIED AS MOOT.
3. The Court certify that an *in forma pauperis* appeal taken from the order and judgment

dismissing this action be considered frivolous and not in good faith.

DATED this 20 day of June, 2008.



UNITED STATES MAGISTRATE JUDGE